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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,873	07/19/2005	Gabriele Cruciani	P-2564	2043

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EXAMINER
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LEIVA, FRANK M

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/527,873

Applicant(s)

CRUCIANI, GABRIELE

Examiner

Frank M. Leiva

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) 2-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Examiner acknowledges cancellation of claims 2 and 5. No further objections to drawings.

### *Specification*

2. Amendment to the specifications are accepted. No further objections to the specifications.

### *Claim Rejections - 35 USC § 112*

3. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is insufficient information in the specification to show how a device buried inside a Soccer ball can be actuated by infrared light transceiver.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishido (US 4,577,865) in view of Crawford (US 5,748,073), herein after Shishido and Crawford respectively.**

6. Regarding claims 1 and 9;

7. Shishido discloses the following:

A bladder (25), an external covering enclosing the bladder (28), and a sensor (4), at least a portion of which is integrated into the bladder (figure 4).

8. Shishido does not disclose:

A lightweight sensor, a sensor capable of being detected by a transceiver adjacent a goal upon a ball completely passing a goal line, and positively detecting the occurrence of a goal.

9. Crawford discloses:

A lightweight sensor (pick up), (col 4:50-60), a sensor capable of being detected by a transceiver adjacent a goal upon a ball completely passing a goal line, and positively detecting the occurrence of a goal, (col 4:43-49), and a sensor configured to be responsive to a metal detector, (col 4:43-49).

10. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the teachings of Crawford in the invention of Shishido, since they are of analogous art and a benefit for the industry.

11. **Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marinelli (US 6,148,271) in view of Crawford (US 5,748,073), herein after Marinelli and Crawford respectively.**

12. Regarding claims 10-16;

13. Marinelli discloses the following:

A transceiver configured to detect an electronically detectable ball, wherein the monitor unit (108) being communicated to by object unit (100) to be the transceiver configured to detect an electronically detectable ball (summary and figure 1), and a support structure configured to support the transceiver at a predefined area of a game field, wherein the monitor unit (108) structured similar to a wristwatch, stopwatch, or a pocket sized calculator to be held by the user to a support structure configured to support the transceiver at a predefined area of a game field (figure 1 and col. 3, lines 10-16) as recited in claim 10.

The transceiver is configured to detect the electronically detectable ball with a spatial resolution that is equal to or less than a diameter of the electronically detectable ball, wherein the object unit (100) capable of being embedded, secured, or attached in the center of a substantially solid or deformable movable object, such as a baseball, soccer football, tennis, etc. to be transceiver is configured to detect the

electronically detectable ball with a spatial resolution that is equal to or less than a diameter of the electronically detectable ball as recited in claim 11.

An indicator means configured to indicate, when the electronically detectable ball is within a specified region of the predefined area, wherein the embodiment of the monitor unit (108) of figure 2 displaying a plurality of parameters to be the indicator means configured to indicate, when the electronically detectable ball is within a specified region of the predefined area (figure 2 with corresponding description) as recited in claim 12.

The indicator means comprises a mobile display means configured to wirelessly communicate with the indicator means (col. 3, lines 10-16) as recited in claim 13.

The electronically detectable ball comprises: a bladder, an external covering enclosing the bladder, and a sensor, at least a portion of which is integrated into the bladder, wherein the object unit being embedded into a deformable moveable object such as a football or soccer ball, the object unit being suspended in the center of the deformable moveable object using strings or fabric webbing to be the electronically detectable ball comprises: a bladder, an external covering enclosing the bladder, and a sensor, at least a portion of which is integrated into the bladder (col. 8, lines 32-42) as recited in claims 14 and 15.

14. Marinelli does not disclose:

Detecting when an electronically detectable ball passes outside of a predefined area of a game field.

A transceiver positioned adjacent to a goal so as to detect that passive sensor inside the ball, and directed away from the goal line as to avoid the player

Crawford discloses:

Detecting when an electronically detectable ball passes outside of a predefined area of a game field, (Col 3:20-39).

A transceiver positioned adjacent to a goal so as to detect that passive sensor inside the ball, and directed away from the goal line as to avoid the player, as recited in claims 15 and 16, (col 4:33-49).

15. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Crawford's invention in Marinelli's invention to make full use of Marinelli's invention in a more practical use as everyday sports.

***Citation of Prior Art***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Booth et al. (US 5,615,880), Crawford (US 5,748,073), Gerson et al. (US 6,837,495), Koelzer, Jr. et al. (US 6,551,205) and Ravet (US Pub. 2005/0270156) discloses different types of electronic goal detection systems.

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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FML

02/16/2007

*Robert Olszewski* 2/20/07

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